

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

|                                |   |                        |
|--------------------------------|---|------------------------|
| In the Matter of the Long-Term | ) |                        |
| Forecast Report of Ohio Power  | ) | Case No. 18-501-EL-FOR |
| Company and Related Matters.   | ) |                        |

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**OHIO POWER COMPANY’S MEMORANDUM CONTRA  
MOTION TO STRIKE OF THE  
OHIO MANUFACTURERS’ ASSOCIATION ENERGY GROUP**

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Pursuant to Ohio Adm. Code 4901-1-12(B)(1), Ohio Power Company (“AEP Ohio” or the “Company”) hereby submits this memorandum contra the Motion to Strike that the Ohio Manufacturers’ Association Energy Group (OMAEG) filed on October 16, 2018. OMAEG’s motion requests that the Commission “send a message” and strike AEP Ohio’s October 9, 2018 Memo Contra Staff’s Motion for Hearing. OMAEG’s request is overbroad and unjustified. OMAEG’s request does not list any specific portions of the Company’s October 9 Memo Contra it seeks to strike and apparently asks that the entire pleading be stricken. That would be inappropriate, as AEP Ohio was clearly entitled to file a response to Staff’s motion regarding the Company’s application. It is also telling that the Ohio Consumers’ Counsel (OCC) does not join OMAEG’s Motion to Strike. OMAEG’s motion should be denied.

AEP Ohio’s October 9 Memo Contra is proper and fairly responds to the question raised in Staff’s motion: whether it is appropriate to modify the statutory deadline for commencing the hearing regarding the Company’s amended long-term forecast report (LTFR). As the Company has already demonstrated, the question of whether the statutory LTFR 90-day deadline should be strictly followed is inextricably intertwined with the question presented in AEP Ohio’s Motion to Consolidate and it is, therefore, appropriate to discuss both matters in response to Staff’s motion.

As OMAEG admits (Memo in Support at 5), the Company's consolidation request was filed after the Staff's hearing request and the Staff's motion did not contemplate or discuss consolidation. Thus, it was reasonable and logical for the Company to raise the consolidation points as part of its response – Staff was entitled to file a reply in support of its Motion for Hearing (which could have addressed the consolidation issues or clarified its hearing request in light of the new facts), but it chose not to do so. Moreover, OMAEG admits that AEP Ohio's filing was made "without reference to OMAEG or OCC" and "does not cite" or directly address the arguments that OMAEG claims the Company is responding to. (*Id.* at 5-6.) Finally, the fact that Part II.B of OMAEG's pleading is explicitly offered as a reply in support of Staff's Motion for Hearing is another equitable factor that undermines striking AEP Ohio's pleading; otherwise, both a motion and a reply in support will be on the record without a memo contra.

## **CONCLUSION**

AEP Ohio's October 9, 2018 Memo Contra should not be stricken as it was an appropriate response to Staff's hearing request and does not constitute a reply in support of the Company's Motion to Consolidate.

Respectfully submitted,

/s/ Steven T. Nourse

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## **CERTIFICATE OF SERVICE**

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/s/ Steven T. Nourse

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Summary: Memorandum - Ohio Power Company's Memorandum Contra Motion to Strike of the Ohio Manufacturers' Association Energy Group electronically filed by Mr. Steven T Nourse on behalf of Ohio Power Company